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February 11, 2004

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
One South Station, 2d Floor
Boston, MA 02110

RE: D.T.E. 03-121; Investigation of Standby Rate Tariffs for the NSTAR Companies

Dear Secretary Cottrell:

The Massachusetts Division of Energy Resources strongly supports the Petitions to Intervene filed by all the interested persons in this matter. Nearly all the Petitions to Intervene in this matter, which are opposed by Boston Edison Company, Cambridge Electric Light Company, and Commonwealth Electric Company d/b/a NSTAR Electric, were filed by individuals or companies in the business of manufacturing, selling, and/or operating distributed generation equipment in the Commonwealth. The two remaining petitioners whose intervention was opposed, the Conservation Law Foundation and the Western Massachusetts Industrial Customers Group, have members who are ratepayers in NSTAR's territory, or are customers of a utility for which intervention status was not opposed, respectively.

Pursuant to 220 CMR 1.03(2), the Department has broad discretion to grant full party status as an intervenor. The Department must allow a person to intervene if they are "substantially and specifically affected by the proceeding" (M.G.L. c.30A Section 10). The Department also has the discretion to allow any other person to intervene as a party (220 CMR 1.03(2)(c)).

DOER supports intervenor status for all the petitioning distributed generation manufacturing and installation businesses for two reasons. First, we see that these businesses'

ability to thrive or even survive in Massachusetts will be significantly and directly affected by the outcome of this proceeding. Therefore the Department should rightfully allow them to intervene pursuant to M.G.L. c.30A Section 10. And second, if permitted intervenor status, these individuals and businesses will be able to contribute valuable experience on the economics and engineering of distributed generation in Massachusetts to this proceeding. The Department should therefore exercise its discretion to allow these petitioners intervenor status under 220 CMR 1.03(2)(c).

DOER also supports intervenor status pursuant to 220 CMR 1.03(2)(c) for the Conservation Law Foundation (CLF), which represents a large membership of NSTAR ratepayers, and is an NSTAR ratepayer itself. Therefore CLF can claim a financial interest in the outcome of this proceeding. However, as an environmental organization CLF and its members are interested in the environmental impacts of power production; and as a supporter of clean distributed generation, CLF represents its membership's interest in cleaner air in Massachusetts.

Lastly, DOER supports intervenor status for the Western Massachusetts Industrial Customers Group under this same section of CMR. This association's members may be effected by the outcome of this proceeding since it will determine how WMECO charges its customers with distributed generation installations; and because WMECO itself will likely be a party in this proceeding.

For these reasons DOER respectfully requests the Department grant the Petitions for Intervention filed by all petitioners in this proceeding.

Sincerely,

Diane A. Langley
Deputy General Counsel

Cc: All parties of record